

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

WALLACE S. ROGERS #R4047

VERSUS

CIVIL ACTION NO. 1:06cv605LG-JMR

JACQUELINE BANKS

FINAL JUDGMENT

This cause came on this date to be heard upon the Proposed Findings of Fact and Recommendations of Chief United States Magistrate Judge John M. Roper entered on January 17, 2007, together with Rogers' objections filed January 31, 2007. The Court, having adopted said Report and Recommendation as the finding of this Court by Memorandum Opinion and Order entered this date, finds that this matter should be dismissed. Accordingly,

IT IS ORDERED AND ADJUDGED that the Respondent's Motion to Dismiss for Failure to Exhaust filed October 4, 2006, [11-1] should be and is hereby **GRANTED** and Rogers' §2254 petition is hereby dismissed as for failure to exhaust under 28 U.S.C. § 2244(b)(1)(A).

SO ORDERED AND ADJUDGED this the 5th day of February, 2007.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE